

By: Harris

S.B. No. 2482

A BILL TO BE ENTITLED

AN ACT

relating to local regulation of distance requirements for businesses selling alcoholic beverages near certain establishments.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 109, Alcoholic Beverage Code, is amended by adding Section 109.332 to read as follows:

Section 109.332. MEASUREMENT OF DISTANCE. For purposes of any distance requirement imposed by this code, distance shall be measured:

(1) from the property line of the place of business where alcoholic beverages are sold to the nearest property line of the property in relation to which a distance requirement is imposed along the property lines of the street fronts and in a direct line across intersections; or

(2) if the permit or license holder is located on or above the fifth story of a multistory building, from the property line of the property in relation to which a distance requirement is imposed to the nearest property line of the place of business where alcoholic beverages are sold along the property lines of the street fronts, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

SECTION 2. Section 109.59(b), Alcoholic Beverage Code, is

1 amended to read as follows:

2 (b) On the sale or transfer of the premises or the business
3 on the premises in which a new original license or permit is
4 required for the premises, the premises shall be deemed to satisfy
5 any distance requirements as if the issuance of the new original
6 permit or license were a renewal of a previously held permit or
7 license if the new permit or license is of the same type as the
8 previously held permit or license.

9 SECTION 3. Sections 109.33(b) and (d), Alcoholic Beverage
10 Code, are repealed.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2009.